

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

FILED BY *MR* D.C.  
05 MAY 26 PM 5:35

ROBERT R. TULLO  
CLERK, U.S. DIST. CT.  
W.D. OF TENN. NASHVILLE

**BRYAN SAMUEL MOONEY, a minor**  
**by and through his parent, LISA**  
**MOONEY, and LISA MOONEY,**  
**Individually,**

**Plaintiffs,**

**vs.**

**No. 01-04-1190-TMP**  
**JURY DEMANDED**

**SUSAN WALLACE, Individually, and**  
**HENDERSON COUNTY BOARD OF**  
**EDUCATION,**

**Defendants.**

**RULE 16(b) SCHEDULING ORDER**

Pursuant to the scheduling conference set by written notice, the following dates were established as the final dates for:

**MOTIONS TO AMEND PLEADINGS AND JOIN PARTIES:**

for Plaintiff:	August 31, 2005
for Defendant:	September 30, 2005

**DISCOVERY:**

- (a) REQUESTS FOR PRODUCTION, INTERROGATORIES AND REQUESTS FOR ADMISSIONS: January 31, 2006
  - (i) Each party is limited to thirty (30) interrogatories
- (b) EXPERT DISCLOSURE (Rule 26(a)(2)):
  - (i) Plaintiff's Experts: January 15, 2006
  - (ii) Defendant's Experts: February 15, 2006
  - (iii) Plaintiff's Rebuttal Experts: March 3, 2006

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- (c) DEPOSITIONS: May 19, 2006
  - (i) Maximum of fifty (50) depositions by each party
  - (ii) Each deposition is limited to a maximum of two (2) seven (7) hour days
- (d) SUPPLEMENTATION: Supplementation under Rule 26(e) due as required by the Federal Rules of Civil Procedure but no less than sixty (60) days before the date of trial without leave of court or by agreement of the parties.

FILING DISPOSITIVE MOTIONS: September 5, 2006

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- (a) for Plaintiff: November 3, 2006
- (b) for Defendant: November 20, 2006

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 10 to 15 days and is SET for JURY TRIAL beginning December 4, 2006 at 9:30 a.m. A joint pretrial order is due on November 20, 2006. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial. A pretrial conference may be scheduled upon request of the parties.

#### **OTHER RELEVANT MATTERS:**

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FED R. CIV. P. allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded the pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FED R. CIV. P. 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may

file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

At this time, the parties have not given consideration to whether they wish to consent to trial before the magistrate judge. The parties will file a written consent form with the court should they decide to proceed before the magistrate judge.

***The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.***

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Tu M. Pham', written over a horizontal line.

TU M. PHAM  
UNITED STATES MAGISTRATE JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 27 in case 1:04-CV-01190 was distributed by fax, mail, or direct printing on May 27, 2005 to the parties listed.

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Jon A. York  
PENTECOST GLENN & RUDD, PLLC  
106 Stonebridge Blvd.  
Jackson, TN 38305

Jason B. Rudd  
PENTECOST GLENN & RUDD, PLLC  
106 Stonebridge Blvd.  
Jackson, TN 38305

Russell E. Reviere  
RAINEY KIZER REVIERE & BELL  
209 E. Main Street  
Jackson, TN 38302--114

Charles M. Purcell  
WALDROP & HALL  
106 S. Liberty Street  
P.O. Box 726  
Jackson, TN 38302--072

James Brandon McWherter  
SPRAGINS BARNETT COBB & BUTLER  
P.O. Box 2004  
Jackson, TN 38302--200

Larry L. Crain  
BRENTWOOD LAW OFFICES  
5214 Maryland Way  
Ste. 402  
Brentwood, TN 37027

Jennifer Craig  
WALDROP & HALL  
106 S. Liberty Street  
P.O. Box 726  
Jackson, TN 38302--072

Honorable James Todd  
US DISTRICT COURT